

Fiscal Note

State of Alaska
2022 Legislative Session

Bill Version:	CSSB 189(JUD)
Fiscal Note Number:	7
(S) Publish Date:	4/8/2022

Identifier: SB189CS(JUD)-JUD-ACS-03-31-22
Title: CRIME OF SEX/HUMAN TRAFFICKING
Sponsor: RLS BY REQUEST OF THE GOVERNOR
Requester: Senate Judiciary Committee

Department: Judiciary
Appropriation: Alaska Court System
Allocation: Trial Courts
OMB Component Number: 768

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below.

(Thousands of Dollars)

	FY2023 Appropriation Requested	Included in Governor's FY2023 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY 2023	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Personal Services	189.8		161.3	161.3	161.3	161.3	161.3
Travel							
Services	2.5		2.5	2.5	2.5	2.5	2.5
Commodities	6.0		2.5	2.5	2.5	2.5	2.5
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	198.3	0.0	166.3	166.3	166.3	166.3	166.3

Fund Source (Operating Only)

1004 Gen Fund (UGF)	198.3		166.3	166.3	166.3	166.3	166.3
Total	198.3	0.0	166.3	166.3	166.3	166.3	166.3

Positions

Full-time	1.0		1.0	1.0	1.0	1.0	1.0
Part-time							
Temporary	1.0						

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2022) cost: 0.0 (separate supplemental appropriation required)

Estimated CAPITAL (FY2023) cost: 0.0 (separate capital appropriation required)

Does the bill create or modify a new fund or account? 0
(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? NA
If yes, by what date are the regulations to be adopted, amended or repealed? NA

Why this fiscal note differs from previous version/comments:

Updated to reflect changes in Judiciary Committee Substitute version I.

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Date: 03/31/22

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2022 LEGISLATIVE SESSION

Analysis

The judiciary committee substitute for Senate Bill 189 reclassifies sex trafficking and human trafficking crimes, and increases the level of offense and penalties for trafficking crimes. The court system does not anticipate a fiscal impact from these classification changes.

The CS for Senate Bill 189 also establishes a means for persons who have an existing conviction for prostitution *and for any misconduct involving a controlled substance (drug) offense* under AS 11.71.050 or .060 to have the conviction vacated if they can establish that they were a victim of sex trafficking at the time of the offense (sec. 28). If successful, the conviction for prostitution and/or the misdemeanor drug crime is vacated, and the conviction will be removed from CourtView if the case did not have any felony convictions (sec. 28).

The court system data shows that the number of individuals who have a conviction for prostitution under the state statute is relatively low for the years for which we have reliable data. However, the number of persons convicted of prostitution under the similar ordinance of the Municipality of Anchorage (also eligible under SB 189) has varied over the years, but is substantial in the aggregate. We estimate that approximately 1000 defendants would be potentially covered by that part of the bill. In addition, the court system's data shows approximately 16,000 state cases with a criminal drug conviction and no felony convictions; those defendants would also be potentially covered by the bill. The estimate for the number of non-state cases (i.e., municipal cases) is another 2000-3000.

The court system will experience a fiscal impact from this portion of the bill.

First, to implement it, we will create a form for the petitioner to use to initiate a petition for vacation of judgment, create form orders for judges, have possible hearings in district court if the prosecuting authority objects to the petition to establish facts as to whether the petitioner was a victim of sex trafficking, and program CourtView to remove the cases, if the petition is granted. Because this is a novel legal avenue and procedure, it would *require one temporary (four month) attorney in the administrative office at Range 20*; this person would prepare appropriate forms, draft rules as needed, provide informational materials to judicial officers and court staff, and prepare other resources as appropriate to implement the legislation. The cost of this position would be \$28,500 in FY 23 only.

Second, though the court could absorb the work required to handle the petitions from those convicted of prostitution only, the addition of misdemeanor drug cases greatly expands the scope of work. Under the CS, about 20,000 defendants could file petitions under this new provision, and the court system will need a centralized system for reviewing and deciding whether the petition meets the bill's language. (Even if only 10% of potentially eligible defendants file a petition, that would result in 2000 new proceedings that require decisions.) Further, these convictions will continue into the future, and each future misdemeanor drug case will potentially lead to a petition to have the conviction vacated. (In CY 2021, there were 455 state convictions under AS 11.71.050 or .060 in cases that had no felony convictions in that same case.) The court system anticipates that the petitions could be handled by a PFT staff attorney in the trial courts. The fiscal impact of this position would be \$169,800 per year, including salary and standard benefits, plus equipment and supplies such as a desk and software licenses, etc.

The court system therefore submits this fiscal note for a total of \$198,300 in FY 23 and \$166,300 in future years.